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February 8, 2022

MEMO ENDORSED

VIA ECF

Honorable Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square, Room 443
New York, New York 10007

USDC SDNY
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Re: **United States v. Alain Kaloyeros, 16 Cr. 776 (VEC)**

Dear Judge Caproni:

We represent Alain Kaloyeros in the above-referenced matter. Dr. Kaloyeros is presently required to self-surrender to the Bureau of Prisons on February 12, 2022 (sixty days from the issuance of the Second Circuit's mandate). *See* ECF No. 953.¹ We write to respectfully request that Dr. Kaloyeros' self-surrender date be adjourned by thirty days to March 14, 2022 in light of a recent health concern facing Dr. Kaloyeros.² This is Dr. Kaloyeros' first request for such an extension, and he will make no further requests. On February 2, 2022, we reached out to the Government concerning this request. After some discussion, on February 7, 2022, the Government indicated that it takes no position with respect to a request for a thirty-day extension so long as Dr. Kaloyeros agrees to not seek further adjournments. Moreover, the Government has stated that it believes the Bureau of Prisons can handle the medical situation described below and can provide a letter to that effect if requested by the Court.

[REDACTED]

¹ While the Second Circuit denied their request to stay the mandate, Dr. Kaloyeros and his co-defendants are currently seeking review of their convictions by the Supreme Court. Their petitions will be filed on or before March 1, 2022.

² We have contemporaneously filed a motion to seal this letter in light of the sensitive medical information that it contains throughout.

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As the Court is aware, Dr. Kaloyeros has been released on bond since his arrest and has scrupulously followed his conditions of release. Indeed, since being sentenced, Dr. Kaloyeros—who is now 66 years old—has co-authored and produced ten inventions and twelve scientific publications in his field of nanotechnology, mentored younger scientists, supervised research groups, and worked hard to make positive contributions to his community. A thirty-day adjournment will pose no risk to the community and will allow Dr. Kaloyeros to get the care and monitoring he needs to avoid a potentially serious medical condition.³

We thank the Court for its consideration of this request.

Respectfully submitted,

/s/ Michael C. Miller

Michael C. Miller
Counsel for Alain Kaloyeros

cc: All counsel

Application GRANTED. Mr. Kaloyeros's surrender date is adjourned to **March 14, 2022**.

SO ORDERED.



2/9/2022

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

³ The undersigned provided this letter to [REDACTED] in advance of submission to ensure the accuracy of the medical assertions made. We are pleased to provide any additional documentation of Dr. Kaloyeros' condition that the Court may need.